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SUBJECT: AUSTRALIA'S STATEMENT ON SUPPORT FOR UN
DECLARATION ON RIGHTS OF INDIGENOUS PEOPLES

REF: A. CANBERRA 306

[1](#)B. CANBERRA 317

[1](#)1. Minister for Families, Housing, Community Services and Indigenous Affairs Jenny Macklin made a public statement April 3 on behalf of the GOA announcing that Australia had changed its position on the UN Declaration on the Rights of Indigenous Peoples and has issued a statement of support. The Declaration, adopted in 2007, is non-binding but in issuing the statement in support, Australia accepts the document as a framework for recognizing and protecting the rights of Indigenous Australians.

[1](#)2. Professor Mick Dodson, Australian of the Year spoke as an indigenous leader and representative to the UN Permanent Forum on Indigenous Issues. He commented that the rights set out in the Declaration have direct and meaningful application in addressing indigenous disadvantage and closing the gaps between indigenous and non-indigenous Australians. For example, the Declaration expresses indigenous peoples' rights to participate in decisions that affect their lives, to cultural respect, and to protect and conserve their lands. All of these rights are directly associated with getting improved outcomes for people in health, education, employment and every other area of disadvantage.

[1](#)3. COMMENT: Most of the rights outlined in the Declaration are already recognized and protected in Australia through domestic laws or support for other international conventions and treaties. In fact, the Declaration does not suggest any 'new' or 'special' rights for indigenous people. It draws together existing rights from other international laws and conventions such as the Universal Declaration of Human Rights and explains how they apply to indigenous peoples. The declaration gives existing human rights standards an indigenous social and cultural context. By doing this, the Declaration asks nations to pay attention to treating indigenous peoples' rights as seriously as the rights of all other citizens. Article 46 of the Declaration states: "Nothing in this Declaration may be interpreted as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." This means that the rights in the Declaration cannot be interpreted in any way that threatens national unity, encourages indigenous separatism or create laws that conflict with Australian law.

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